



March 27, 2007

ENGROSSED SENATE BILL No. 113

DIGEST OF SB 113 (Updated March 26, 2007 2:02 pm - DI 75)

Citations Affected: IC 36-10; noncode.

Synopsis: Town park board membership. Provides that the town legislative body (and not the town executive) appoints members of the town parks and recreation board. Allows a town legislative body to waive town park board membership requirements that a town park board member be affiliated with a political party and that not more than two of the four board members be of the same political party. Provides that a town legislative body may waive the requirements by majority vote if there is an absence of persons who are willing to serve on the town park board and who would satisfy the requirements. Requires certain real property under the control of the department of correction to be offered for conveyance to certain municipalities, park boards, and other political subdivisions in Madison County.

Effective: Upon passage; July 1, 2007.

Gard

(HOUSE SPONSORS — RESKE, CHERRY)

January 8, 2007, read first time and referred to Committee on Local Government and Elections.

February 15, 2007, reported favorably — Do Pass.

February 19, 2007, read second time, ordered engrossed. Engrossed.

February 20, 2007, read third time, passed. Yeas 46, nays 0.

HOUSE ACTION

February 27, 2007, read first time and referred to Committee on Local Government.

March 26, 2007, amended, reported — Do Pass.

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ES 113—LS 6237/DI 87+



March 27, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 113

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-10-3-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A ~~municipal city~~
3 **park** board consists of four (4) members to be appointed by the **city**
4 executive. ~~of the municipality~~. The members shall be appointed on the
5 basis of their interest in and knowledge of parks and recreation, but no
6 more than two (2) members may be affiliated with the same political
7 party. Members of a ~~town~~ **city park** board must be residents of the
8 district. In addition, the creating ordinance may provide for one (1) or
9 two (2) ex officio members, those being:
10 (1) a member
11 ~~(A)~~ of the governing body of the school corporation selected
12 by that body; or
13 ~~(B)~~ designated by the governing body of the school
14 corporation if the board is in a town;
15 (2) a member of the governing body of the library district selected
16 by that body; or
17 (3) both **subdivisions** (1) and (2).

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(b) A town park board consists of four (4) members to be appointed by the town legislative body. The members shall be appointed on the basis of their interest in and knowledge of parks and recreation. Except as provided in section 4.1 of this chapter, not more than two (2) members may be affiliated with the same political party. Members of the town park board must be residents of the district. In addition, the creating ordinance may provide for one (1) or two (2) ex officio members, those being:

(1) a member:

(A) of the governing body of the school corporation selected by that body; or

(B) designated by the governing body of the school corporation;

(2) a member of the governing body of the library district selected by that body; or

(3) both subdivisions (1) and (2).

~~(b)~~ (c) A county park board shall be appointed as follows:

(1) Two (2) members shall be appointed by the judge of the circuit court.

(2) One (1) member shall be appointed by the county executive.

(3) Two (2) members shall be appointed by the county fiscal body.

The members appointed under subdivisions (1), (2), and (3) shall be appointed on the basis of their interest in and knowledge of parks and recreation, but no more than one (1) member appointed under subdivisions (1) and (3) may be affiliated with the same political party. In a county having at least one (1) first or second class city, the creating ordinance must provide for one (1) ex officio board member to be appointed by the executive of that city. The member appointed by the city executive must be affiliated with a different political party than the member appointed by the county executive. However, if a county has more than one (1) such city, the executives of those cities shall agree on the member. The member serves for a term coterminous with the term of the appointing executive or executives.

~~(c)~~ (d) Ex officio members have all the rights of regular members, including the right to vote. A vacancy in an ex officio position shall be filled by the appointing authority.

~~(d)~~ (e) Neither a municipal executive nor a member of a county fiscal body, county executive, or municipal fiscal body may serve on a park board.

~~(e)~~ (f) The creating ordinance in any county may provide for:

(1) the county cooperative extension coordinator;

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(2) the county extension educator; or

(3) a member of the county extension committee selected by the committee;

to serve as an ex officio member of the county **park** board, in addition to the members provided for under subsection ~~(b)~~ (c).

~~(f)~~ (g) The creating ordinance in a county having no first or second class cities may provide for a member of the county **park** board to be selected by the board of supervisors of a soil and water conservation district in which a facility of the county **park** board is located. The member selected under this subsection is in addition to the members provided for under subsections ~~(b)~~ (c) and ~~(e)~~ (f).

SECTION 2. IC 36-10-3-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4.1. A town legislative body may, by a majority vote, waive any or all of the following requirements of a town park board member under section 4(b) of this chapter:**

(1) The requirement that a member of the town park board be affiliated with a political party.

(2) The requirement that not more than two (2) of the four (4) members of the town board be affiliated with the same political party.

A town legislative body may vote for a waiver only if the waiver is necessary due to the absence of persons who are willing to serve on the town park board and who satisfy any or all of the requirements.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "department" refers to the Indiana department of administration created by IC 4-13-1-2.

(b) As used in this SECTION, "preferred grantee" refers to any of the following:

(1) The town of Pendleton.

(2) The park board of the town of Pendleton.

(3) The town of Ingalls.

(4) The park board of the town of Ingalls.

(5) The Fall Creek Regional Wastewater District.

(6) The park board of Fall Creek Township, Madison County.

(7) The park board of Green Township, Madison County.

(c) As used in this SECTION, "state property" refers to any property owned by the state located in either of the following:

(1) Fall Creek Township, Madison County.

(2) Green Township, Madison County.

(d) The department shall offer to transfer to each of the

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1 preferred grantees any state property declared surplus under
2 IC 4-20.5-7 after December 31, 2004, and before July 1, 2007.

3 (e) Notwithstanding IC 4-20.5-7, before the state offers surplus
4 state property for sale or transfer to another person (including
5 another political subdivision), the department shall offer to
6 transfer the state property to each of the preferred grantees.

7 (f) If any of the preferred grantees notifies the department that
8 the preferred grantee wants the state property offered under
9 subsection (d) or (e), the property shall be transferred to the
10 preferred grantee without consideration in the manner provided
11 by IC 4-20.5-7.

12 (g) This SECTION expires July 1, 2012.

13 SECTION 4. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill No. 113, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 113 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 9, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 113, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, after "city" insert "**park**".

Page 1, line 7, reset in roman "Members of a".

Page 1, line 7, after "town" insert "**city park**".

Page 1, line 7, reset in roman "board must be residents of the district."

Page 2, line 1, after "town" insert "**park**".

Page 2, line 6, before "board" insert "**town park**".

Page 2, line 17, after "county" insert "**park**".

Page 2, line 39, after "a" insert "**park**".

Page 3, line 4, after "county" insert "**park**".

Page 3, line 7, after "county" insert "**park**".

Page 3, line 9, after "county" insert "**park**".

Page 3, line 15, after "town" insert "**park**".

Page 3, line 17, after "town" insert "**park**".

Page 3, line 24, after "town" insert "**park**".

Page 3, after line 24, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "department" refers to the Indiana department of administration created by IC 4-13-1-2.

(b) As used in this SECTION, "preferred grantee" refers to any of the following:

- (1) The town of Pendleton.
- (2) The park board of the town of Pendleton.
- (3) The town of Ingalls.

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- (4) The park board of the town of Ingalls.
- (5) The Fall Creek Regional Wastewater District.
- (6) The park board of Fall Creek Township, Madison County.
- (7) The park board of Green Township, Madison County.

(c) As used in this SECTION, "state property" refers to any property owned by the state located in either of the following:

- (1) Fall Creek Township, Madison County.
- (2) Green Township, Madison County.

(d) The department shall offer to transfer to each of the preferred grantees any state property declared surplus under IC 4-20.5-7 after December 31, 2004, and before July 1, 2007.

(e) Notwithstanding IC 4-20.5-7, before the state offers surplus state property for sale or transfer to another person (including another political subdivision), the department shall offer to transfer the state property to each of the preferred grantees.

(f) If any of the preferred grantees notifies the department that the preferred grantee wants the state property offered under subsection (d) or (e), the property shall be transferred to the preferred grantee without consideration in the manner provided by IC 4-20.5-7.

(g) This SECTION expires July 1, 2012.

SECTION 4. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 113 as printed February 16, 2007.)

SMITH V, Chair

Committee Vote: yeas 10, nays 1.

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